

City of Selah
Council Minutes
November 26, 2019

Regular Meeting
Selah Council Chambers
115 West Naches Avenue
Selah, WA 98942

- A. Call to Order Mayor Raymond called the meeting to order at 5:30pm.
- B. Roll Call
- Members Present: Kevin Wickenhagen; Jacquie Matson; Jeremy Burke; John Tierney; Diane Underwood
- Members Absent: Roger Bell; Russell Carlson
- Staff Present: Rob Case, City Attorney; Dale Novobielski, Clerk/Treasurer; Rick Hayes, Police Chief; Jeff Peters, Community Development Supervisor; Andrew Potter, Human Resources Manager; Monica Lake, Executive Assistant

- C. Councilmember Absence – Motion to Excuse

Council Member Tierney moved, and Council Member Underwood seconded, to excuse Councilmembers Bell & Carlson. By voice vote, approval was unanimous.

- D. Pledge of Allegiance

Mayor Raymond led the Pledge of Allegiance.

- E. Invocation

Pastor Jason Williams gave the prayer.

- F. Agenda Changes **None**
- G. Public Appearances/Introductions/Presentations **None**
- H. Getting To Know Our Businesses **None**
- I. Communications

1. Oral

Mayor Raymond opened the meeting. Seeing no one else rise to speak, she then closed the meeting.

2. Written **None**

- J. Proclamations/Announcements **None**

K. Consent Agenda

Council Member Tierney moved, and Council Member Matson seconded, to add Resolution N – 2 to the Consent Agenda. By voice vote, approval was unanimous.

Executive Assistant Lake read the Consent Agenda.

All items listed with an asterisk (*) were considered as part of the Consent Agenda.

- * 1. Approval of Minutes: November 12, 2019 Study Session & Council Meeting
- * 2. Approval of Claims and Payroll:
 - Payroll Checks Nos. 83174 – 83188 for a total of \$214,229.45
 - Payroll Checks Nos. 83189 – 83228 for a total of \$151,025.77
 - Payroll Checks Nos. 83229 – 83247 for a total of \$290,805.04
 - Claim Checks Nos. 74015 – 74071 for a total of \$524,332.03
- * 3. Resolution N – 2: Resolution Accepting the Naches Avenue and North First Street Sidewalk Improvements as Complete and Accepted

Council Member Burke moved, and Council Member Wickenhagen seconded, approval of the amended Consent Agenda as read. By voice vote, approval was unanimous.

L. Public Hearings

- 1. Closed Record Public Hearing to consider the City of Selah Planning Commission's Recommendation regarding a Class 3 Use application for the construction of a 100 ft. monopole cell tower and associated equipment shelter located at 229 E. Naches Ave. Selah, WA

Community Development Supervisor Peters addressed L – 1. He said that this was a closed record public hearing to consider the Planning Commission's recommendation on the construction of one-hundred-foot monopole cell tower located at 229 East Naches Avenue, going on to say that the Planning Commission conducted an open record hearing on October 15, 2019, and recommend approval of the application subject to the conditions listed in the recommendation. He noted that the only people in attendance were the applicant and one of their representatives, and that no member of the public spoke in opposition to the application.

Council Member Matson asked if it was the same location originally listed.

Community Development Supervisor Peters replied that it was still the same location, adding that the site plan is part of the record for that application.

Council Member Tierney noted a discrepancy between the numbered items listed on page two that the Planning Commission determined to be conditions of approval and the same on pages six and seven.

Community Development Supervisor Peters replied that they originally had additional conditions of approval in the staff report, and one of them had been removed at the Planning Commission hearing due to clarification from cell tower company that they would not locating a portion of the facility in either right of way or the alley, adding that he thought they could make a motion subject to approval of the Planning Commission's recommendation striking item number seven.

Council Member Tierney reiterated that they are listed numerically correct on pages six and seven.

Community Development Supervisor Peters responded that the first two pages were the staff report, with the Planning Commission's recommendation past that.

Council Member Tierney inquired if it would be appropriate at the time of a motion to note that they would be deleting number seven and adding in number four.

Community Development Supervisor Peters answered in the affirmative.

Council Member Tierney wondered if they could paint the top of the monopole to resemble sky or clouds rather than the entire thing painted an earth tone.

Community Development Supervisor Peters answered that the City's Ordinance doesn't provide them with a lot of options, and it was felt that earth tones would blend in better with the surrounding hills.

Mayor Raymond opened the Closed Record Public Hearing.

Andy King, LendLease Tower III, LLC, approached the podium and addressed the Council. He stated that he represents the applicant, and was there to answer any questions Council Might have with the Class 3 use permit. He noted that the reference Community Development Supervisor Peters made with regard to the confusion on conditions was that originally one condition was getting permission from the City of Selah for fiberoptic located in the City right of way, but it was an erroneous reference, and if fiber optics were extended the fiber provider would secure the necessary right of way use permits from the City of Selah.

Seeing no one else come forward, Mayor Raymond closed the Closed Record Public Hearing.

M. General Business

1. New Business **None**
2. Old Business
 - a. Council Meeting times

Council Member Burke addressed M – 2a. He said that when he made a motion to move Council Meetings to 5:30pm consistently, he had asked that the motion be tabled so Council Member Carlson could be in attendance. He went on to say that he had talked with Council Member Carlson the day before and also received an email from him earlier that day, and didn't feel it necessary to wait on a vote

until Council Member Carlson was in attendance. He stated that he would read aloud Council Member Carlson's email into the record.

****Council Member Carlson's email is hereby included as part of the minutes****

Hi Jeremy,

I read the minutes from the last meeting and I appreciate your willingness to include me in the discussion about City Council meeting time. Unfortunately, I am out of town and will not be to the meeting today, so please do not wait on my behalf to take a vote.

My biggest reason for opposing the change in meeting time last time, was that we had staff members who were required to attend the meetings and as the attendance difference between the earlier meeting and later meeting was quite minimal, I viewed the earlier meeting time as a perk to city staff who were required to attend. I viewed it as an opportunity for the staff to be home after work and not at city council.

However, since that vote, the requirement of staff attendance has changed and generally, if staff has nothing to present, they are not required to attend. This change in attendance by staff has changed my stance on meeting time. Frankly, I view this change as a bad one as there are times when we as a council have questions of staff, regardless of what they have to present, and with this change, we are not able to ask those questions if they are not in attendance. I am open to providing more opportunity for our community to be involved since the requirement for staff attendance has been loosened.

Thank you again for your consideration of my input.

Best regards,

Russell Carlson

Council Member Burke remarked that he believed his fellow Council Member was referring to an email sent to the entire Council regarding staff attendance. He said that he believes government access should be as easy as possible, and in his opinion the hurdle of cost wasn't that significant and or a large burden to attend a 5:30pm meeting so the community doesn't have to check which time the meeting is.

Council Member Burke moved to move all Council Meetings to 5:30pm moving forward.

Council Member Underwood passed out a paper to her fellow Council Members showing the Council Meeting times throughout the Yakima valley.

Council Member Tierney spoke in opposition to taking action on the matter at that time, citing his reason for opposition as due to both himself and Council Member Underwood being lame ducks and new Council Members coming on board January 1. He felt it wasn't within his responsibility to vote on that issue at this time, and that it should be delayed and left to the new Council to vote on in January.

Council Member Burke asked if there was a second on his motion.

Mayor Raymond replied that there wasn't one yet.

Council Member Underwood commented that she had planned to attend Council Meetings in the future and would prefer not to use her vacation time to do so, adding that she has lost twenty-three vacation hours per year to attend Council Meetings during her term. She added that the times were set before she became a council member, and she wasn't completely sure she agreed with Council Member Tierney.

Council Member Tierney noted that he had no personal opposition to 5:30pm, he simply didn't think it was in his purview to impose his will on new Council Members.

Council Member Wickenhagen seconded the motion. Roll was Called: Council Member Wickenhagen – yes; Council Member Matson – yes; Council Member Burke – yes; Council Member Tierney – no; Council Member Underwood – yes. Motion passed with four yes votes and one no vote.

Mayor Raymond noted that the first meeting in December would be at 5:30pm.

Council Member Matson wondered if that would be enough time to publicize for the time change.

N. Resolutions

1. Resolution approving a Class 3 Use application to Construct a New 100 ft. Cell Tower and Associated Equipment Shelter at 229 E. Naches Ave. Selah, WA (LendLease Tower III, LLC on Behalf of Michael King (Property Owner)) (CL3#2019-001 & SEPA#2019-008).

Community Development Supervisor Peters addressed N – 1. He explained that this was the Resolution regarding the public hearing held earlier in the meeting, which both staff and the Planning Commission recommend approving either as is or with a motion striking out the one item from the list of Planning Commission recommendations.

Council Member Wickenhagen moved, and Council Member Matson seconded, to Approve the Resolution approving a Class 3 Use application to Construct a New 100 ft. Cell Tower and Associated Equipment Shelter at 229 E. Naches Ave. Selah, WA (LendLease Tower III, LLC on Behalf of Michael King (Property Owner)) (CL3#2019-001 & SEPA#2019-008). Roll was called: Council Member Wickenhagen – yes; Council Member Matson – yes; Council Member Burke – yes; Council Member Tierney – yes; Council Member Underwood – yes. By voice vote, approval was unanimous.

- * 2. Resolution Accepting the Naches Avenue and North First Street Sidewalk Improvements as Complete and Accepted
3. Resolution Revising Rates For 2020 Water Utility Services

Clerk/Treasurer Novobielski addressed N – 3. He said that this Resolution was to revise water utility rates for 2020, with a three percent increase as proposed during budget discussions to offset expenditures. He reviewed the new rates as stated in the Resolution.

Council Member Burke expressed his appreciation for receiving it in that format rather than as just a rate increase, as he felt it helpful for a person to see the numbers that have changed. He commented that it put it in very good perspective, and that they had a lot of conversation on the need to change rates.

Council Member Burke moved, and Council Member Tierney seconded, to approve the Resolution Revising Rates For 2020 Water Utility Services. Roll was called: Council Member Wickenhagen – yes; Council Member Matson – yes; Council Member Burke – yes; Council Member Tierney – yes; Council Member Underwood – yes. By voice vote, approval was unanimous.

4. Resolution Revising Rates For 2020 Solid Waste Utility Services

Clerk/Treasurer Novobielski addressed N – 4. He stated that the Resolution pertained to the solid waste garbage fund, which indicated a three percent increase to offset expenditures due to the garbage hauler's cost increase per their Teamster bargaining agreement. He reviewed the new rates in the Resolution.

City Administrator Wayman said that, per their discussions with BDI, they need to expect that recycling would be eliminated within the City sometime next year, although they may have an experimental program for a price that would require a minimum of eight hundred customers to implement.

Council Member Tierney felt that it might run the risk of some residents needing more than one tote.

City Administrator Wayman agreed that might happen.

Council Member Burke asked if the cost for garbage would decrease with the elimination of recycling, as they've been charging no fee for recycling to date.

City Administrator Wayman replied that it would not, noting that the market for recycling that has disappeared.

Council Member Tierney moved, and Council Member Burke seconded, to approve the Resolution Revising Rates For 2020 Solid Waste Utility Services. Roll was called: Council Member Wickenhagen – yes; Council Member Matson – yes; Council Member Burke – yes; Council Member Tierney – yes; Council Member Underwood – yes. By voice vote, approval was unanimous.

O. Ordinances

1. Ordinance Establishing the 2020 Salary Schedule for Management, Confidential and Unrepresented Employees

Human Resources Manager Potter addressed O – 1. He referred Council to the information provided in their packets, which included additional documents beyond the salaries for management and unrepresented employees that hadn't been included in the past, including salaries from Teamsters contracts plus a breakout of all employees by division of fund where their salaries come from. He also acknowledged that there weren't any contract employees attached as those were approved individually.

He briefly reviewed the Ordinance and explained the various increases due to minimum wage change, including the eighty-five percent of minimum wage that the City was allowed to pay fourteen- and fifteen-year-olds per Washington State law.

Council Member Tierney asked for clarification on the eighty-five percent wage.

Human Resources Manager Potter responded that all fourteen-year-olds are paid exactly that wage, and if they are employed for a year then they could move up based on a review, if become a level 2 or 3 referee may be paid higher based on performance

Council Member Tierney inquired as to why City Administrator Wayman's salary wasn't included, opining that, due to transparency, his should also be listed in the Ordinance.

City Administrator Wayman replied that it was due to him having a separate contract, which was public record, and that for this particular document he didn't see it as appropriate given as his salary isn't set by ordinance but by contract negotiation. He added that he would read his salary into the record if Council so wished.

Council Member Tierney responded that he just wanted clarification.

Human Resources Manager Potter commented that all increases were a two percent COLA across the board, with any variation discussed through department heads, and that he did run salary comparisons for half a dozen employees.

Council Member Tierney moved, and Council Member Wickenhagen seconded, to approve the Ordinance Establishing the 2020 Salary Schedule for Management, Confidential and Unrepresented Employees. Roll was called: Council Member Wickenhagen – yes; Council Member Matson – yes; Council Member Burke – yes; Council Member Tierney – yes; Council Member Underwood – yes. By voice vote, approval was unanimous.

City Administrator Wayman noted that they would be adding another officer in January.

Police Chief Hayes said that he had been to the Civil Service Board in anticipation of this being passed, and got permission to hire from the reserve program. He added that only one person meets the criteria, but if he passes the tests he could start January 1.

City Administrator Wayman commented that they were looking to fill position as quickly as possible of council approves the budget.

2. Ordinance Adopting the Budget for the City of Selah, Washington for the Year ending December 31, 2020

Clerk/Treasurer Novobielski addressed O – 2. He said that they have before them an ordinance to adopt the budget for 2020, with a grand total of expenditures at just over seventeen million, of which two point three is capital outlay and the remaining is operating expenditures. He noted that the largest percentage

of the two point three million comes from the street improvement fund, and that they had already discussed all the particulars during their budget meetings.

Council Member Wickenhagen expressed appreciation for what he and the staff did during the budget process, answering all the question posed to them, and the it had been a good exercise for him to learn more about how the City operates.

Council Member Burke seconded his fellow Council Member, saying that he appreciated the amount of time staff allowed Council to ask questions. He stated that he would like to speak in opposition to approving the budget, as when the department heads presented their goals and needs on how they could spend money they spoke about high use facilities and what they could move forward on to provide the best services to their community. He noted that the preliminary budget had a capital improvement project of fifty-six thousand to repave the tennis courts yet those weren't flagged by the Parks Department as high use. He went on to say that he went out and walked them, and while they are highly used by the Selah School District (SSD) he questioned City money being used to subsidize an item primarily used by them, suggesting instead that the City fund half of the proposed amount, asking the SSD to pay a percentage, and pave only four of the courts to lessen the amount of money taken away from other parks and services more utilized by residents.

City Administrator Wayman responded that they had a meeting with Scott from the SSD to discuss them participating in repairing the courts, as there are eight that are damaged and the SSD were the ones insistent on getting these fixed, and their counter was to limit it to repairing four courts. He noted that they would be cutting the total expenditure in half and splitting that half with the SSD.

Council Member Burke commented that he was going to make an amendment to redo four with the SD contributing, adding that this was not trying to prevent the tennis courts from being fixed but about an appropriation of where the money would be coming from.

Council Member Burke moved that any vote on the budget include an amendment to the line item for fifty-six thousand dollars to change it to spend twenty-eight thousand dollars to repair four courts, on the condition that the SSD contributes funds towards the repair.

Council Member Tierney observed that they were looking at an ordinance to adopt the total budget, not to identify line item expenditures, which would be more appropriately addressed with the budget itself at a later time.

City Administrator Wayman stated that they could simply pull it from the budget entirely and bring back a budget adjustment after they come to an agreement with the SSD.

Council Member Tierney asked if it was General Fund monies.

City Administrator Wayman replied in the affirmative.

Clerk/Treasurer Novobielski remarked that if the expenditures occur the money would be transferred out of the capital improvement fund.

Council Member Burke answered that he was fine with changing the motion to just strike and revisit at a future date.

Council Member Tierney recognized how important their parks are in their community, saying that he would hate to see them pull money out at all, when it could be used for another project if not that one.

Council Member Burke responded that their job was to review the budget and what's to be spent in the future year, for which they spent three days going line by line to review, and they're entrusted to ensure each dollar is spent in an appropriate way.

Council Member Burke amended, and Council Member Wickenhagen seconded, the motion to remove that line item from the 2020 Budget. Roll was called: Council Member Wickenhagen – yes; Council Member Matson – yes; Council Member Burke – yes; Council Member Tierney – no; Council Member Underwood – yes. Motion passed with four yes votes and one no vote.

Council Member Tierney moved to approve the Amended Ordinance Adopting the Budget for the City of Selah, Washington for the Year ending December 31, 2020.

Clerk/Treasurer Novobielski explained how he would revise the Ordinance to reflect Council's decision.

Council Member Burke said that before they vote on the matter he wanted to say that one of the things he thinks they need to review would be how their contracts are structured, as too many are what he refers to as open-ended. He opined that the best practice for city government would be to have any contract of a professional nature reviewed every two to three years, which could potentially save tax dollars by inviting competitive bids, and that while right then was not the appropriate time to discuss it he felt that it would have been appropriate to visit the matter during their budget meetings and send contacts that haven't gone out to bid out so they could show fiscal responsibility.

City Attorney Case pointed out a typographical error regarding the day and year at the end of the Ordinance that needed changed to the correct date.

Council Member Burke moved to approve the Amended Ordinance Adopting the Budget for the City of Selah, Washington for the Year ending December 31, 2020, with a change of date to reflect the correct day and year.

City Attorney Case noted that it says 2018.

Council Member Underwood remarked that it also says that on the first page of the AIS.

Mayor Raymond stated that they have a motion to approve the amended budget with a change of date.

Council Member Matson seconded the motion. Roll was called: Council Member Wickenhagen – yes; Council Member Matson – yes; Council Member Burke – yes; Council Member Tierney – no; Council Member Underwood – yes. Motion passed with four yes votes and one no vote.

P. Public Appearances **None**

Q. Reports/Announcements

1. Departments

Police Chief Hayes had no report.

Mayor Raymond asked if his department was ready for the parade.

Police Chief Hayes answered in the affirmative.

Council Member Burke inquired if he had someone in mind for the approved officer position.

Police Chief Hayes replied in the affirmative, saying he has one reserve officer who meets the criteria for being in good standing and solo status.

Council Member Burke thanked him for the information.

Police Chief Hayes noted that the officer in mind has put in more hours in a year than other five combined.

Council Member Tierney inquired if he wanted the job.

Police Chief Hayes responded in the affirmative.

Human Resources Manager Potter had no report.

Community Development Supervisor Peters stated that his department was working on a staff report for the John Campbell project, which was scheduled for a public hearing with the Planning Commission next Tuesday, and a closed record hearing at a Council Meeting sometime in January depending on how dates pan out for public notice. He went on to say that Public Works Director Henne has been in consultation with the construction at both Lince and John Campbell, and part of that has put together a no parking ordinance, notice of which went out last week to all in the affected area to inform them that there would be a public hearing at the Planning Commission next Tuesday for anyone who wished to speak for or against to voice their opinion. He remarked that the Public Works crew was putting all snow equipment on vehicles and possibly out spreading deicing on the streets, and noted that the sidewalk work on Third would be delayed to the first week of December.

City Administrator Wayman remarked that the East Goodlander project looks undone because is, adding that it wouldn't be completed until spring of next year due to weather conditions, which includes telephone pole line relocation and pole removal, new wide sidewalks, and another layer of asphalt.

Mayor Raymond commented that she saw the forms in for the sidewalk on Third.

Community Development Supervisor Peters responded that the contractor was supposed to form up yesterday and today and pour tomorrow, but as of this morning the subcontractor wasn't confident that temperatures would be high enough to pour or allow it to cure.

Mayor Raymond wondered what would happen to the residents' driveways if they weren't able to pour due to inclement weather.

City Administrator Wayman replied that they would require the Selah School District (SSD) to gravel the areas and provide ramps for residents to access their driveways if the weather gets worse, adding that he has requested Community Development Supervisor Peters to put in safeguards for the John Campbell project to make sure this doesn't happen again.

Community Development Supervisor Peters remarked that they do have some language limiting the contractor in that application to a time frame to complete the infrastructure, that they met with HLA this morning to look at other language to strengthen the Class 3 review decision to give the City more control over the schedule.

Council Member Tierney asked if there was any way they could penalize the contractor for each day delayed on completing the project.

Community Development Supervisor Peters answered that there was nothing in the current code to allow them to do that, but they have asked HLA to look at it.

City Administrator Wayman added that the question had been asked, and they were going to make the conditioning language on the John Campbell project as stringent as possible.

Council Member Tierney opined that it should be on every project; if the contractor doesn't deliver then there should be a penalty every day.

Community Development Supervisor Peters felt that some of the challenge was due to the City being a third party, with SSD in charge of hiring contractors to do the work and make sure the project was managed appropriately.

Council Member Matson wondered if the City had any ability to review those contracts.

Community Development Supervisor Peters responded that he didn't believe so.

City Administrator Wayman remarked that they hand out a lump sum at the beginning, which provides a dis-incentive to do extra things like put gravel in driveways that would need to be removed to do the sidewalks. He noted that they have been fielding phone calls from unhappy residents.

Community Development Supervisor Peters added that, because SSD doesn't hire just one contractor, they go through a bidding process, this could be a totally different contractor than the one on their current project, and the City wants to ensure there are controls in place as much as they can.

City Administrator Wayman commented that this was what they were going to do for the John Campbell project.

Council Member Tierney observed that he didn't remember having these problems with a contractor even on the Goodlander project.

Community Development Supervisor Peters replied that he asked Public Works Director Henne about that, and was reminded that the Goodlander project also involved WSDOT and a delay in funding.

Council Member Matson inquired if the Goodlander project delay would affect traffic along that road during the wintertime.

City Administrator Wayman answered that it was operational and open.

Council Member Matson asked if it would affect the business on the corner.

City Administrator Wayman replied that it wouldn't be as smooth but the road was open.

Clerk/Treasurer Novobielski provided a sales tax revenue update for November, saying that given the current numbers he anticipates at least eighty thousand over budget going into the General Fund, and that he would provide an estimated adjustment in January 2020 after determining final expenditures and carryovers,

City Attorney Case had no report.

2. Council Members

Council Member Wickenhagen had no report.

Council Member Matson had no report.

Council Member Burke had no report.

Council Member Tierney said there had been an LTAC meeting earlier that week, and there would be a proposal coming to Council in future for an expenditure from LTAC funds to support the Community Days Association in amount of eleven thousand dollars. He also gave Clerk/Treasurer Novobielski accolades for getting the Department of Revenue to pay them the revenues for the hotel/motel tax, which resulted in an adjustment of six thousand seven hundred dollars. He noted that this was the last LTAC meeting for 2019, with the next meeting in January 2020, at which time someone from the Council will have to step up and take his position on the committee. He went on to say that he has really enjoyed his time on the committee, which does good things for the community by spending money where it would bring heads in beds and revenue to the City.

Council Member Underwood had no report.

3. City Administrator

City Administrator Wayman said that Dave Kearby, who was elected to position six, would not be taking his position in January as he has taken an employment opportunity in the Washington DC area. He went

on to say that after the election has been certified Mr. Kearby would send a letter explaining his position, and that with Council's permission he would like to conduct interviews and select a replacement the second meeting in January.

4. Boards **None**

5. Mayor


Mayor Raymond reminded everyone that a week from Friday would be the big Christmas parade in Selah, and wished everyone a good Thanksgiving.

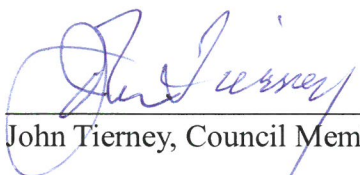
P. Executive Session **None**

Q. Adjournment

Council Member Tierney moved, and Council Member Matson seconded, that the meeting be adjourned. Motion passed with four yes votes and one no vote.

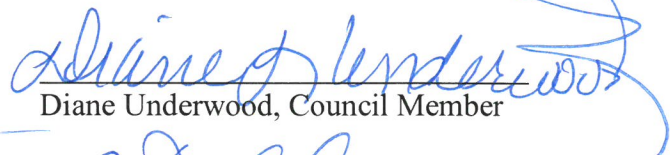
The meeting adjourned at 6:41pm.

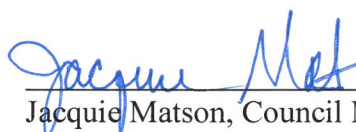

Sherry Raymond, Mayor

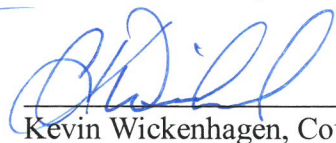

John Tierney, Council Member

EXCUSED
Russell Carlson, Council Member

EXCUSED
Roger Bell, Council Member

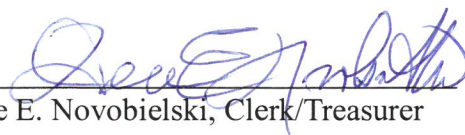

Diane Underwood, Council Member


Jacquie Matson, Council Member


Kevin Wickenhagen, Council Member


Jeremy Burke, Council Member

ATTEST:


Dale E. Novobielski, Clerk/Treasurer